

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

ATTORNEYS AT LAW

THREE GATEWAY CENTER
100 MULBERRY STREET
NEWARK, NEW JERSEY 07102-4079
(973) 622-7711
FACSIMILE (973) 622-5314

COLLEEN M. DUFFY
Direct Dial (973) 665-2077
colleent@mdmc-law.com

January 13, 2009

VIA FACSIMILE and U.S. MAIL

Honorable Esther Salas:
United States Magistrate Judge
Martin Luther King, Jr. Federal Building and Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: The Guardian Life Insurance Company of America v. Robert F. Hartnett
Civil Action No. 08-2698 (JLL)

Dear Judge Salas:

This firm represents plaintiffs, The Guardian Life Insurance Company of America, Guardian Insurance & Annuity Company, and Park Avenue Securities, LLC, in the above action.

A Rule 16 Conference is scheduled before Your Honor on January 22, 2009. We respectfully request that the Conference be adjourned as the parties have agreed to a settlement of this matter. Counsel are in the process of memorializing the settlement in a written Settlement Agreement which is expected to be completed soon. Upon its execution, we will promptly file a Stipulation of Dismissal with the Court.

Respectfully submitted,

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

Colleen M. Duffy

CMD\gt

cc: Stephen J. Steinlight, Esq. (via facsimile and reg. mail)

MORRISTOWN, NEW JERSEY PHILADELPHIA, PENNSYLVANIA